

1871-011
Lee Co.

Chancery Cause: Rebecca J. Parsons vs. Mitchell C. Parsons.

Sage, Milbourne, Belamy

Ch. Estate Dispute
T-Property

To the Honorable Henry J. Morgan Judge
of the County Court of Lee Co Va -
Your ~~petition~~ and ~~complaints~~ to Rebecca J.
Parsons, and Abraham L. Sage Sampson P.
Sage, Lydia A. & Sage John D. ⁴ Sage & Sarah
M. Sage, the last five of whom are in-
fants and one by George Milbourne their
guardian and next friend, humbly
complaining sheweth unto your Honor
that they are the children and heirs at
law of John D. Sage deceased. and as
such there has descended to them a
valuable tract of land situated in said
County of Lee on the waters of ~~Parsons~~
~~River~~ about 8 miles N. E. of Jonesville,
containing acres. This land is all in the
possession of your ~~complainant~~ Rebecca Parsons
and the guardian of the other infants, ex-
cept the dower interest of their Mother
Sarah Belamy the late widow of the said
John D. Sage who has had laid off to
her her dower interest therein to said
lands, and soon after the death of their
said father as before hinted she inter-
married with Joseph Belamy, and together
with him sold their dower interest in
said lands to one ~~Mitchell~~ C. Parsons and
conveyed the same by deed to him, and
the said Parsons now has and for some
time past has had possession of the
same, using and occupying the same as
your orators charge ~~greatly~~ Their freed-
doms in their dower interest in
said lands ~~is~~ ~~the~~ - The said lands

and most of the most valuable quality
in point of fertility, but the woodland
portion thereof is covered, with very fine
timber, to wit poplars, oaks chestnuts
Buckeye hickory &c. which constitutes the
chief value of the lands. Your complainant
also charges, that the said Michael B.
Parsons is committing great waste to
their estate by cutting down the timber
on said clover, and conveying in vast
quantities to saw mills, having the same con-
verted into lumber, and selling the same
for his own private use, when the same is
not necessary or needed in repairs to
the premises: which if he persists therein
and some steps are not taken to restrain
him therefrom your ~~complaints~~ complainants
estate will be entirely ruined and wasted
before it comes to their hands. He is
also cutting and using valuable rail timber
in an extravagant and wasteful manner.
But he is committing greater waste by
using cutting and conveying off of said
clover lands large quantities valuable
poplars, sawing and using them as firewood.

The object of this bill therefore is to
have upon a hearing thereof a decretal
order made enjoining said Parsons from
committing further waste upon said
premises.

Your Complainants prayer therefore
is that the said Michael B. Parsons be made
a party defendant to this bill and
answer its allegations on oath, that upon

a hearing a decree be rendered
inhibiting and enjoining the said Parsons
from cutting rising selling or in any
way disposing of the timber on said
clover interest, except so much as may
be necessary, to repair said premises or
be used for fire wood or other legal
purposes. And for all such other further
and general relief as your complainants
may in equity be entitled - May sp.
issue &c.

J. S. Gagan & J. S. Gagan P.D.

Cth. 4.65-
 a. 15.00
 S. 1.00
 J. 1.00
 \$ 21.65-

[H-P]

454

George B. Milbourn & Co.

vs { Bill Chy

Mitchell C. Parsons

1871. Sept. Bill filed. Spa Execd.
 & Decree nisi.

" Oct. D. N. Caufd & set for
 hearing by Plaintiff.

" Oct. Term continued

" Nov. 1. Decree & cause struck
 out from docket, but might be re-
 stored to file to re-instate same
 if necessary to the effective exe-
 cution of said decree.

George B Milbourn plaintiff & others - P. B. &
Mittell ^{again} & Parsons ——— Sept. } In leg

This Cause came on this day to be heard
on the bill of the plaintiff and was argued
by counsel. And it appearing that process
has been duly executed on the defendant
who fails to appear and answer. The
bill is therefore taken for confessed.
And by the allegations and statements in
the bill it appears that the plaintiff & others
who is owner of ~~the life estate~~ the claim
in trust of the widow of John A. Sage
is in an unauthorized manner cutting
and converting the timber growing on the
claim land to his use and benefit. and
in a manner not necessary to the enjoyment
of his life estate. which acts are to the
prejudice of the plaintiff who are the
owners of the reversionary interest in said claim
land and amounts to a waste committed
by the defendant. On consideration whereof
it is adjudged ordered and decreed that
the defendant be enjoined and he is hereby
restrained and prohibited from the commission
of the timber growing on said claim land
to his own use and benefit or cutting or destroying
the same to the injury of those entitled to the
reversion. ^{beyond what is necessary} And ~~he~~ the defendant is allowed to take
only such timber and such quantity as an ~~he~~
is ~~essential~~ to the enjoyment of his life estate and
what is termed in law "estovers" and he is

enjoined from the Commission of waste. It
 is further ordered that the plaintiffs recover
 against the defendants their costs here
 expended. And this decree shall be
 no bar to the right of the plaintiffs to
 recover at law damages ^{against defendants} for the waste
 by him committed. And the cause is
 stricken off the docket but the right is
 reserved to have the plaintiffs to have the
 same re-instated by motion if necessary
 for ~~relief under this~~ the effective execution of
 this decree

Geo. B. Millburn guardian ad litem
 }
 Decree - trial of
 Mitchell v. Parsons

Entered O.R. pages
 4 54-5. J.P. West, D.C.

Entered this Decree
 H. Morgan
 Dec. 20th 1871

Virginia.

At a County Court convened & held for Lee County, at the
Court House thereof, on Wednesday, Dec: 20th 1871.

George B. Melbourne, Guardⁿ &c. and other Plaintiffs
against
Mitchel L. Parsons - - - - - Defendant } In Chancery.

xxxxxx And by the allegations and Statements in the Bill, it appears
that the defendant, who is owner of the Dower interest of the widow of
John D. Sage, is in an unauthorized manner cutting and converting
the timber growing on the Dower land to his use and benefit, and
in a manner not necessary to the enjoyment of his life estate,
which acts are to the prejudice of the Plaintiffs who are the owners of
the reversionary interest in said Dower land, and amounts to
waste committed by the defendant. On consideration whereof, it is
adjudged, ordered, and decreed that the defendant be enjoined and
he is hereby restrained and inhibited from the conversion of the
timber growing on said dower land to his own use and benefit,
or cutting or destroying the same, to the injury of those entitled to the
reversion, beyond what is necessary to the enjoyment of his life
estate, and what is termed in law "Estovers", and he is enjoined
from the commission of waste. It is further ordered that the
Plaintiffs recover against the debt their costs here expended, and
this Decree shall be no bar to the right of the Plaintiffs to
recover at law Damages against defendant for the waste by
him committed, and the cause is stricken off the Docket, but the
right is reserved to the Plaintiffs to have the same re-instated, if
necessary, for the effective execution of this Decree.

Teste- John B. West, D.C. Clerk.

Geo. B. Malbriune, Guard. ^{and} other

no. } copy of Decree.

Mitchel C. Parsons.

Executed by delivering
to M. C. Parsons
attested by office copy
C. J. Hambley

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY...GREETING:

WE COMMAND YOU TO SUMMON *Mitchel C. Parsons*

to appear before the Judge of our County Court of Lee county, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in *September 1871* ~~1871~~ to answer a bill in Chancery, exhibited in our said Court against *him* by *Rebecca J. Parsons, Abraham L. Sage, Sampson P. Sage, Lydia A. K. Sage, John D. Sage, and Sarah M. Sage* the last five of whom are infants and seeing *George B. Williamson* their Guardian and next friend.

And have then there this writ. Witness, **JAMES W. ORR**, Clerk of our said Court, at the Court-House, this *4th* day of *September*, 1871, in the *26th* year of the Commonwealth.

James W. Orr, **CLERK.**

M + P.

Rebecca J Parsons et al
vs J Spa in Chancery
Mitchel L Parsons.

September Rules 1871.

Entered by delivering to
M. C. Parsons & attested
office copy
C. L. Hambleton & Co

(Lay paid)

(chd 17)